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TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CERTIFICATE OF MAILING

I hereby certify that this correspondence and the documents referred to as enclosed therein are being deposited with the United States Postal Service on <u>RPRIL IS, 2007</u>, in an envelope as First Class Mail addressed to: BOX TTAB- NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Matthew J. Himici Reg. No. 47.650

CONVERSE INC.

Opposer,

VS.

gr. É

AMERICAN OUTPOST, LLC

Applicant.

Opposition No. 122,244

Application Serial No. 75/559,216

Published for Opposition:

January 23, 2001

Class 25

Mark: FARGO CLOTHING & SUPPL

and Design

Box TTAB – No Fee Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, Virginia 22202-3513

CONVERSE'S OPPOSITION TO APPLICANT'S PETITION FOR RECONSIDERATION

Opposer, Converse, Inc., hereby files its Opposition to Applicant's Petition for Reconsideration. Applicant misstates the settlement agreement reached between the parties and mischaracterizes the content of the Exhibit A attached to its petition for reconsideration. Contrary to Applicant's arguments, Opposer's letter in Exhibit A does not contain the written consent of the adverse party to the proceeding to the abandonment of the above-referenced application. Instead, Opposer's letter in Exhibit A shows that Opposer merely accepted the

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express offer contained in Applicant's letter of December 21, 2001, namely, "to abandon the two applications involved in the oppositions."

This matter is settled according to the terms specified in Applicant's letter of December 21. Applicant filed its Express Abandonment without any mention or evidence of any written consent of Opposer because none existed. The Board correctly entered judgment against the Applicant, sustained the opposition with prejudice and refused registration. As shown in Opposer's letter of Exhibit A and as ratified by Applicant's subsequent filing, Opposer believed it need not file "[anything] with the Board to effect the terms of this settlement." Applicant never asked for Opposer's consent and considering the procedural posture of the case at the time of settlement, the filing of an Express Abandonment would have the prejudicial effect the Applicant now decides it wishes to avoid.

WHEREFORE, Opposer respectfully requests that the Board deny Applicant's petition, sustain the opposition with prejudice and refuse registration of the application.

Respectfully submitted, Thompson Coburn LLP

By:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was mailed via first class mail postage prepaid to Bryan H. Opalko, Buchanan Ingersoll, P.C., One Oxford Center, 20th Floor, 301 Grant Street, Pittsburgh, PA 15219, Attorneys for Applicant, on APOLL 15, 2002

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